

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHRISTOPHER R. HESS,	:	: CIVIL ACTION NO. 1:03-CV-1668
	:	
Petitioner	:	: (Judge Conner)
	:	
v.	:	
	:	
MAJOR FRANK TENNIS, et al.,	:	
	:	
Respondents	:	

ORDER

AND NOW, this 25th day of April, 2007, upon consideration of petitioner's motions to appoint counsel for his appeal (Doc. 109) and to proceed *in forma pauperis* on appeal (Doc. 110), see FED. R. APP. P. 24(a)(1) ("[A] party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court."), and it appearing from the affidavit in support of the motion that petitioner possesses inadequate funds in his prisoner account to pay the applicable appellate fee, it is hereby ORDERED that:

1. The motion to appoint counsel for appeal (Doc. 109) is DENIED without prejudice to petitioner's file his request with the United States Court of Appeals for the Third Circuit.
2. The motion (Doc. 110) to proceed *in forma pauperis* on appeal is GRANTED.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge